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DECISION



M H 244
Page I
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-190271

DATE: October 18, 1977

MATTER OF: Wyatt Lumber Company

DIGEST:

GAO does not review protests against affirmative determinations of responsibility by contracting officials except for reasons not applicable in this case.

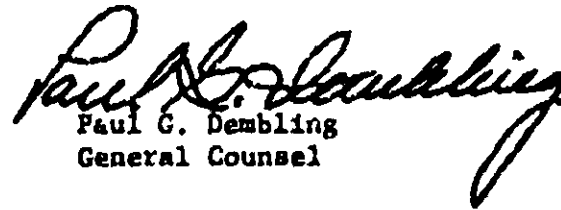
Wyatt Lumber Company (Wyatt) protests any award to Alabama Wood Treating Co. (Alabama) pursuant to solicitation No. DSA720-77-B-0651, issued by the Defense Logistics Agency. We have been advised that award of a contract was made to Alabama, which imports an affirmative determination of the successful bidder's responsibility. Advertising Distributors of Washington, Inc., B-187070, February 15, 1977, 77-1 CPD 111.

It is Wyatt's contention that the contracting officer could not make a determination of responsibility, as ASPR requires, without a preaward survey that included consideration of a subcontractor (W.R. Bullington Lumber Co.) of Alabama. Wyatt advises that "This constitutes the total content of [its] protest."

Our Office does not review protests concerning affirmative determinations of responsibility, absent an allegation or demonstration of fraud on the part of contracting officials or other circumstances not applicable here. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Data Test Corporation, 54 Comp. Gen. 499 (1974), 74-2 CPD 365, affirmed 54 Comp. Gen. 715 (1975), 75-1 CPD 138. We do consider protests involving negative determinations of the contractor's responsibility in order to provide assurance against the arbitrary rejection of bids, affirmative determinations are based in large measure on subjective judgments which are largely within the discretion of the procuring officials who must suffer any difficulties resulting by reason of a contractor's inability to perform.

B-190271

In view of the fact that the protest concerns a matter not for consideration by this Office, it is dismissed without further action.


Paul G. Dembling
General Counsel